

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC.,

Defendant.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

AFFYMETRIX, INC.,

Plaintiff,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3-18-14

No. 03 Civ. 3816 (RJS)  
ORDER

No. 03 Civ. 3817 (RJS)  
ORDER

No. 03 Civ. 8907 (RJS)  
ORDER

ENZO LIFE SCIENCES, INC.,

Plaintiff,

-v-

AFFYMETRIX, INC.,

Defendant.

No. 04 Civ. 1555 (RJS)  
ORDER

ROCHE DIAGNOSTICS GMBH, *et al.*,

Plaintiffs,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

No. 04 Civ. 4046 (RJS)  
ORDER

RICHARD J. SULLIVAN, District Judge:

Now before the Court are Greenberg Traurig's motions to withdraw as counsel of record for Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (collectively, "Enzo"), dated March 17, 2014, in each of the five related matters pending before the Court (collectively "the Enzo matters").

Greenberg Traurig's submission includes (1) a letter from Greenberg Traurig's counsel ("Letter"), (2) a memorandum of law in support of the motions ("Memorandum"), and (3) a declaration in support of the motions ("Declaration"). The Letter seeks leave of the Court to file the Memorandum and Declaration under seal, with copies of these documents served upon Enzo, but not to the other parties in the Enzo matters. The Court granted the request in an Order dated March 17, 2014. After reviewing the sealed submissions, the Court conducted a brief,

on-the-record discussion, in camera, with counsel for Greenberg Traurig and counsel for Enzo, who was separately retained in connection with the motions to withdraw.

As stated on the record at the status conference, the Court recognizes that there might be a limited need to seal or redact portions of the motions to withdraw and their supporting papers. *See Weinberger v. Provident Life & Cas. Ins. Co.*, No 97 Civ. 9262 (JGK), 1998 WL 898309, at \*1 (S.D.N.Y. Dec. 23, 1998) (“[I]t is appropriate for a Court considering a counsel’s motion to withdraw to consider in camera submissions in order to prevent a party from being prejudiced by the application of counsel to withdraw.”). However, there is a presumption in favor of open records applicable to court documents as articulated in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). As *Lugosch* explains, “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history.” *Id.* at 119. Without access to such documents, it is impossible for the public to perform its essential role in monitoring judicial proceedings. *Id.* Accordingly, IT IS HEREBY ORDERED THAT Greenberg Traurig shall, no later than March 19, 2014, submit to the Court via email two proposed redacted versions of both the Memorandum and the Declaration – one version of each document for eventual public docketing and one less-redacted version of each document for “attorneys’ eyes only” review. Upon approval by the Court, the first redacted version will be publicly docketed in the Enzo matters, and the second version will be provided to all counsel in the Enzo matters.

IT IS FURTHER ORDERED THAT Enzo shall, no later than March 25, 2014, respond to Greenberg’s motions to withdraw, and shall likewise submit two proposed redacted versions of its submissions – one for public docketing and one for “attorneys’ eyes only” review. IT IS FURTHER ORDERED THAT, by March 31, 2014, counsel in the Enzo matters shall, if they wish, respond – jointly or individually – to the pending motions to withdraw. IT IS FURTHER

ORDERED THAT Greenberg Traurig shall, if it wishes, submit a reply no later than April 7, 2014. Again, Greenberg Traurig shall provide two proposed redacted versions of its submissions. IT IS FURTHER ORDERED THAT Greenberg Traurig and Enzo shall – individually or jointly – submit proposed redactions to the transcript of this morning’s in camera conference.

SO ORDERED.

DATED: March 18, 2014  
New York, New York

  
\_\_\_\_\_  
RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE